

63 FLRA No. 133

UNITED STATES DEPARTMENT OF THE NAVY
NAVAL AIR DEPOT
JACKSONVILLE, FLORIDA
(Respondent/Agency)

and

AMERICAN FEDERATION OF GOVERNMENT
EMPLOYEES
LOCAL 1943, AFL-CIO
(Charging Party/Union)

AT-CA-06-0432

DECISION AND ORDER

June 16, 2009

Before the Authority: Carol Waller Pope, Chairman and
Thomas M. Beck, Member

I. Statement of the Case

This unfair labor practice case is before the Authority on exceptions to the attached decision of the Administrative Law Judge (Judge) filed by the Respondent. The General Counsel filed an opposition to the Respondent's exceptions.

The complaint alleges that the Respondent violated § 7116(a)(1) and (5) of the Federal Service Labor-Management Relations Statute (the Statute) by failing to comply with § 7114(b)(4) of the Statute when it refused to provide the Union with the key words used for screening applicants for a non-bargaining unit Team Lead position. The Judge found that the Respondent violated the Statute as alleged and directed the Respondent to furnish the Union with the key words and post a notice of the violation at its facilities.

Upon consideration of the Judge's decision and the entire record, we adopt the Judge's findings, conclusions, and recommended order and notice, and deny the Respondent's exceptions.

II. Order

Pursuant to § 2423.41(c) of the Authority's Regulations and § 7118 of the Federal Service Labor-Management Relations Statute (the Statute), it is hereby ordered that the United States Department of the Navy, Naval Air Depot, Jacksonville, Florida, shall:

1. Cease and desist from:
 - (a) Failing or refusing to provide the American Federation of Government Employees, Local 1943, AFL-CIO (the Union), the exclusive representative of bargaining unit employees, with the key words used to electronically screen applicants' electronic resumes for eligibility for the GS-0801-14 P-3 Team Lead General Engineer position that was filled on or about June 29, 2006, as requested by the Union on July 5, 2006.
 - (b) In any like or related manner, interfering with, restraining, or coercing employees in the exercise of their rights assured by the Statute.
2. Take the following affirmative action in order to effectuate the purposes and policies of the Statute:
 - (a) Provide the Union with the key words used to electronically screen applicants' electronic resumes for eligibility for the GS-0801-014 P-3 Team Lead General Engineer position that was filled on or about June 29, 2006, as requested by the Union on July 5, 2006.
 - (b) Post at its facilities where bargaining unit employees are located, copies of the attached Notice on forms to be furnished by the Federal Labor Relations Authority. Upon receipt of such forms, they shall be signed by the Commander, Naval Air Depot, Jacksonville, Florida, and shall be posted and maintained for 60 consecutive days thereafter, in conspicuous places, including all bulletin boards and other places where notices to employees are customarily posted. Reasonable steps shall be taken to ensure that such Notices are not altered, defaced, or covered by any other material.
 - (c) Pursuant to § 2423.41(e) of the Authority's Regulations, notify the Regional Director, Chicago Region, Federal Labor Relations Authority, in writing, within 30 days from the date of this Order, as to what steps have been taken to comply.